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Oswegoland Fights State over Cleanup Park near Fox River Is Former State Dump

Hal Dardick. Special to the Tribune.

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Illinois Atty. Gen. Jim Ryan recently filed suit against the Oswegoland Park District seeking to have it clean up a former garbage dump at one of its parks near the Fox River, but the district's chief contends the job largely should be the responsibility of the state.

Furthermore, parks Executive Director Bert Gray questions the state's environmental analysis of the site in Saw-Wee-Kee Park in unincorporated Kendall County and whether the cleanup is needed.

Meanwhile, an attorney for Ryan's office said she still hopes an agreement with the district can be reached. The suit seeks to have the district clean up the former dump, which is on a 150-acre nature preserve just south of the Fox River between Yorkville and Oswego in Oswego Township.

Although the Park District has owned the site for 32 years, the state owned the land before that and placed a garbage dump there. When the Park District acquired the land from the state Department of Conservation, it was bound to continue operating the dump for three years under existing contracts.

"We, by no means, believe that talks are terminated," Assistant Atty. Gen. Rebecca A. Burlingham said last week. "We are ready to continue meeting with the Park District to move to a resolution on this.

"We are prepared to litigate it, of course," she added. "We wouldn't have filed the complaint if we thought it would fail."

Burlingham said talks between the attorney general's office and Park District took place for about a year before the suit was filed. Some issues were resolved, but others remain on the table, she said.

"The state, for whatever reason--be it politics or dollars--must have decided we were not close enough" to an agreement, Gray said. "As much as I hate to see taxpayer dollars wasted on attorneys, if a court process is the only way we can get people to see the light and get a reasonable, rational response for all the taxpayers of Illinois, maybe the courts are the place to be."

The state acquired the land in 1949 and used it as a landfill for industrial, municipal and construction waste. From 1860 to 1949, it was a sand and gravel strip mine. Burlingham said it is possible the state or private companies could be partly responsible for cleaning up the site.

"We've tried to accurately and faithfully lay out the history of the site," Burlingham said. "We have the evidence to support a finding of violation against the Park District."

From 1963, when the Park District bought the site from the state Department of Conservation, to 1966, the site was used as a municipal landfill, the suit states.

Existing contracts required it remain a dump until 1965, and the Park District agreed to continue that operation at the request of local municipalities, until it determined in 1966 it did not like the way the site was being operated, Gray said.

"We have maintained since the discussion began that if there are environmental problems at the site, almost 94 percent of them are the responsibility of the State of Illinois," Gray said.

After 1966, the site became a park with horse trails, a canoe launch and other facilities surrounded by forest.

The suit also seeks to force the Park District to determine whether ground water has been contaminated and pay fines to the state. It lays out a 10-year history of site inspections.

In 1988, the Illinois Environmental Protection Agency inspected the park and found batteries, oil filters, oil drums, paint thinner, Freon containers and automobile bodies on the site, the suit states. In 1991, the EPA found about 50 drums, one of which contained lead, on the northeast corner of the site, and in 1992, the Park District removed 59 drums.

That same year, another EPA inspection turned up another drum determined to contain hazardous wastes, and 16 inspections between 1991 and 1997 revealed surface debris including medical waste, batteries and glass.

The EPA also commissioned a study between 1994 and 1996 on 15 acres at the north end of the site that turned up 24 drums and additional surface debris, including glass vials that appeared to contain medical waste.

Five ground water monitoring wells also were installed. Levels of arsenic, manganese, selenium and lead that exceed federal standards were found, according to the suit.

But Gray said a well placed away from the dump as a "control" led to the discovery of higher levels of some contaminants than those close to the former dump.